

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ERIK WILLIAM SKIDMORE,

Defendant-Appellant.

UNPUBLISHED

June 24, 2008

No. 274207

Jackson Circuit Court

LC No. 06-003318-FH

Before: Wilder, P.J., and O’Connell and Whitbeck, JJ.

WHITBECK, J. (*concurring*).

I write separately to acknowledge that there may appear to be a contradiction between this opinion and my dissent in *People v Johnson*.¹ I emphasize, however, that this case is distinguishable on the facts. *Johnson* involved a domestic assault and kidnapping dispute where, at time of the trial, one of the jurors was a complainant in a domestic violence case and the same special unit of the office of the Oakland County Prosecuting Attorney was prosecuting both cases at the same time.² In *Johnson*, during voir dire, the juror admitted that she had been the victim of an assault in the past, but did not mention her current involvement in the domestic violence case.³ The juror also allegedly told the assistant prosecuting attorney assigned to prosecute the Oakland County case that she had already decided to convict Johnson before the trial began.⁴ *Johnson* is therefore substantially different from the present case. Here, the juror in question openly acknowledged during voir dire that he was a police officer and often worked on similar narcotics cases.⁵ Our holding today in *Skidmore* is therefore, not inconsistent with my dissent in *Johnson*, and I therefore agree with the majority’s decision to affirm.

/s/ William C. Whitbeck

¹ *People v Johnson*, 245 Mich App 243; 631 NW2d 1 (2001).

² *Id.* at 252.

³ *Id.* at 250-252.

⁴ *Id.* at 258.

⁵ *Id.* at 250-252; see *id.* at 291-292 (Whitbeck, J., dissenting).